

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MIRKO ATANASOVSKI,

Plaintiff,

Case No. 19-11518

v.

Paul D. Borman
United States District Judge

EPIC EQUIPMENT &
ENGINEERING, INC.,

Defendant.

/

**ORDER STRIKING EXHIBITS ATTACHED IN SUPPORT OF
PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT (ECF NOS. 14-2 TO 14-39) AND STRIKING EXHIBIT 3 IN
SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
(ECF NO. 13-4)**

On October 18, 2020, Defendant filed a Motion for Summary Judgment, arguing that all of Plaintiff's claims fail as a matter of law. (ECF No. 13, Defendant's Motion for Summary Judgment.) Defendant's motion is supported by 13 exhibits. (ECF Nos. 13-2 to 13-14.) On November 6, 2020, Plaintiff filed his response in opposition to Defendant's motion. (ECF No. 14, Plaintiff's Response.) Plaintiff attached 38 exhibits in support of his Response. (ECF Nos. 14-2 to 14-39.) Defendant filed its reply brief in support of its motion on November 20, 2020, supported by three exhibits. (ECF No. 15, Defendant's Reply; ECF Nos. 15-1 to 15-3.)

Upon review of the briefing and the exhibits, the Court finds that a significant number of the exhibits attached in support of Plaintiff's Response have been filed in violation of Federal Rule of Civil Procedure 5.2 and this Court's Practice Guidelines. In addition, one exhibit in support of Defendant's motion has been filed in violation of Rule 5.2.

The Rules of Civil Procedure provide privacy protection for filings before the Court. Specifically, Fed. R. Civ. P. 5.2 provides:

(a) Redacted Filings. Unless the court orders otherwise, in an electronic or paper filing with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial-account number, a party or nonparty making the filing may include only:

- (1) the last four digits of the social-security number and taxpayer-identification number;
- (2) the year of the individual's birth;
- (3) the minor's initials; and
- (4) the last four digits of the financial-account number.

Fed. R. Civ. P. 5.2(a). Plaintiff attaches a number exhibits, including personnel files of non-parties, without redacting the private personal information listed in Rule 5.2. Further, both Defendant and Plaintiff attach as an exhibit to their briefing a chart listing the birth dates of a number of employees. (ECF Nos. 13-4, 1-2.) These exhibits must be redacted in accordance with Rule 5.2 before they can be filed with the Court.

In addition, this Court's Practice Guidelines provide:

When citing to deposition testimony in a brief, reference the relevant page and line numbers **and include as an exhibit the entire deposition transcript with the relevant passages highlighted.** The appendix shall contain an index.

Practice Guidelines for Judge Paul D. Borman, Motion Practice (available at the Eastern District of Michigan website) (emphasis added). Plaintiff failed to file "the entire deposition transcript with the relevant passages highlighted," and instead only filed excerpted, highlighted pages of the transcripts as exhibits.

Accordingly, the Court hereby **STRIKES** all of the Exhibits attached in support of Plaintiff's Response to Defendant's Motion for Summary Judgment (ECF Nos. 14-2 to 14-39), and **ORDERS** Plaintiff to refile those Exhibits on or before **March 4, 2021**, in strict accordance with Fed. R. Civ. P. 5.2 and this Court's Practice Guidelines.

The Court **FURTHER STRIKES** Exhibit 3 to Defendant's Motion for Summary Judgment (ECF No. 13-4), and **ORDERS** Defendant to refile that Exhibit on or before **March 4, 2021**, in strict accordance with Fed. R. Civ. P. 5.2.

IT IS SO ORDERED.

Dated: February 25, 2021

s/Paul D. Borman
Paul D. Borman
United States District Judge